

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DEBORAH WOODALL

§

§

vs.

§

C.A. NO. 4:24-cv-04937
(JURY)

STATE FARM MUTUAL

§

AUTOMOBILE INSURANCE COMPANY

§

**DEFENDANT STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY** files this Notice of Removal of the present action from the County Court at Law of Walker County, Texas to the United States District Court for the Southern District of Texas, Houston Division on the basis of diversity of citizenship and amount in controversy as follows:

I.
INTRODUCTION

1. The lawsuit arises from an automobile accident that occurred on March 30, 2022, in Walker County, Texas. Plaintiff seeks to recover underinsured motorist benefits from State Farm.

2. This suit was filed on or about November 8, 2024, when Deborah Woodall, filed the Original Petition in Cause No. 14592CV in the County Court at Law of Walker County, Texas, styled *Deborah Woodall vs. State Farm Mutual Automobile Insurance Company*.

3. State Farm was served with Plaintiffs' Original Petition on November 15, 2024, and filed its Original Answer on December 9, 2024.

II.
GROUNDS FOR REMOVAL

A. Complete Diversity of Citizenship Exists Between the Parties, and the Amount in Controversy Exceeds \$75,000.

4. Removal is proper because there is complete diversity of citizenship between the parties, and the alleged amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a)(1).

5. Plaintiff is a resident and citizen of Texas. State Farm was and is incorporated in, and a resident of, the State of Illinois.

6. Plaintiff seeks to recover underinsured motorist damages for the alleged denial and/or underpayment of the claim. (*See* Pl.’s Original Pet. at ¶IV). Prior to filing suit, Plaintiff issued a suit notice claiming \$50,000.00 for the “value of the underlying underinsured motorist injury claim;” \$2,250.00 for interest; and \$1,500.00 for attorney’s fees. *See* Plaintiff’s *Notice of Complaint of Unfair Claims Settlement* dated September 17, 2024, attached hereto as Ex. F. Moreover, in her Original Petition, Plaintiff seeks damages for alleged past and future bodily injuries (including medical bills, pain and suffering, loss of earnings and earnings potential, disfigurement, impairment, mental anguish, physical impairment); contractual damages; consequential damages; extra-contractual damages; treble damages under the Insurance Code; 18% statutory interest; mental anguish damages; pre-judgment interest; attorneys’ fees and exemplary damages. (*Id.* at ¶XII.) Thus, the amount in controversy exceeds \$75,000. *See* 28 U.S.C. § 1332(a)(1).

B. Venue is Proper in This Division and in This District.

7. Plaintiff filed this action in Walker County, Texas. The Houston Division of the Southern District of Texas encompasses Walker County, Texas. *See id.* § 124(b)(2). Thus, this district and division embrace the place where the state court action is pending. *See id.* § 1441(a).

III.
PROCEDURAL REQUIREMENTS FOR REMOVAL

8. State Farm was served on November 15, 2024. This Notice of Removal is being filed on December 16, 2024. Accordingly, this Notice of Removal is timely filed within 30 days of when State Farm received Plaintiff's Original Petition and within one year of the commencement of this suit. *See id.* § 1446(b).

9. A copy of this Notice of Removal will be filed with the Walker County Clerk's office and served on Plaintiff promptly. *See id.* § 1446(d); *see also Nixon v. Wheatley*, 368 F. Supp. 2d 635, 640 (E.D. Tex. 2005).

10. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81 of the Southern District of Texas, this Notice of Removal is accompanied by the following documents:

Exhibit A: Plaintiff's Original Petition

Exhibit B: Return of Service

Exhibit C: State Farm's Original Answer

Exhibit D: State Court Docket Sheet

Exhibit E: List of Attorneys / Parties

Exhibit F: Plaintiff's Notice Letter

11. The filing fee has been paid to the Clerk.

12. The filing of this notice, along with the filing of the notice in the state court and service of the notice upon Plaintiff's counsel, serves immediately to confer exclusive jurisdiction of this cause upon this Court, and divests the state court of all jurisdiction over these proceedings and claims.

IV.
PRAYER

13. State Farm prays that the above-styled action now pending in the County Court at Law of Walker County, Texas be removed to this Honorable Court pursuant to the Court's

diversity jurisdiction, that upon final trial, judgment be rendered that Plaintiff take nothing by their suit against State Farm, and for such other and further relief to which State Farm may be justly entitled.

14. This Notice of Removal is filed subject to and without waiver of any defenses or objections to Plaintiff's Original Petition as allowed by the Federal Rules of Civil Procedure or by any applicable law.

15. A jury fee was paid in state court and Defendant hereby requests a jury trial in this cause of action.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to all known counsel pursuant to the Federal Rules of Civil Procedure on this the 16th day of December, 2024.

Annie McAdams
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VIA CM/ECF

Rachel Crutchfield
RACHEL CRUTCHFIELD

**DEBORAH WOODALL V.
STATE FARM COUNTY MUTUAL
AUTOMOBILE INSURANCE COMPANY**

INDEX OF EXHIBITS FILED WITH REMOVAL ACTION

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- Exhibit F: Plaintiff's Notice Letter

**DEBORAH WOODALL V.
STATE FARM COUNTY MUTUAL
AUTOMOBILE INSURANCE COMPANY**

LIST OF ATTORNEYS / PARTIES

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